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09/593,866	06/14/2000	Masaki Katayama	P/2171-184	8166

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EXAMINER

LAO, LUN S

ART UNIT PAPER NUMBER

2643

DATE MAILED: 01/20/2004

8

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/593,866

Applicant(s)

KATAYAMA ET AL.

Examiner

Lun-See Lao

Art Unit

2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-10, 12-16 and 18-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### *Introduction*

1 This action is response to the amendment filed on 10/31/2003. Claims 4, 11, and 17 have been cancelled; claims 1, 3, 5, 8, 10, 12, 14, 16 and 18 have been amended and claims 20-31 have been added. Claims 1-31 are pending.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 20-22, 24-26 and 28-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Gibson (US PAT. 5,812,688).

Consider claim 24, Glibson teaches an audio system, comprising:

a display (see figs. 4-15) for displaying at least a first image of a parameter among a plurality of types of parameters to determine acoustic characteristics and a second image of an object (such as speakers and spheres);

a setting device which sets (see figs. 4-15) a value of the parameter by operating the first image; and

a controller (see fig.2, 54, 52) which visually controls a size of the second image of the object corresponding to the value of the parameter (see col.5 lines 5-56).

Art Unit: 2643

Consider claims 25-26 and 29-30, Gibson teaches an audio system of the second image of the object is an image of a sound source (see figs. 4-15 such as speaker and spheres); and an audio system of the sound source is a musical instrument (see col.5 line 56-col.6 line 41).

Consider claims 20-22, there are the method claims corresponding to system claims 24-26. Thus note claims 20-22 respectively, for rejection.

Consider claim 28, Gibson teaches an audio system comprising:

a computer for displaying (see figs. 4-15) at least a first image of a parameter among a plurality of types of parameters to determine acoustic characteristics and a second image of an object (such as speakers and spheres), a value of the parameter being set by operating the first image, and a size of the second image of the object being changed depending on the value of the parameter (see col.5 line 8-56); and

a receiver receiving the value of the parameter set by the computer and executing acoustic processing according to the value of the parameter (see col.4 lines 5-58).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2643

5. Claims 1-2, 5-9, 12-15 and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gibson (US PAT. 5,812,688) in view of Ashour (US PAT. 6,459,797).

Consider claim 1 Gibson teaches an audio system, comprising:

image display (see figs. 4-15) for displaying image data beforehand set respectively to a plurality of types of parameters to determine acoustic characteristics and values of the parameters, corresponding to values of the parameters (see col. 6 lines 1-42) and

wherein the parameter is capable of being designated through the operator display and

wherein the image display variably displays image data depending on the value of the parameter reflecting the distance characteristic parameter designated through the operator display (see col. 5 lines 8-56). But Gibson does not clearly teach an operator display for displaying, for each of the parameter types, a parameter operator to indicate a value of a parameter reflecting a distance characteristic parameter to determine an acoustic characteristic obtained by distance between a listener and a sound source.

However, Ashour teaches an operator display for displaying (see figs 3-4), for each of the parameter types, a parameter operator to indicate a value of a parameter reflecting a distance characteristic parameter to determine an acoustic characteristic obtained by distance between a listener and a sound source (see col. 3 line 36-col. 4 line 67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Gibson into Ashour to provide a audio mixer for generating code data having a sound source at a desired and controllable location.

Consider claim 8, there is the method claim corresponding to system claim1. See previous system claim 1 rejection.

Consider claim 14, there is the program claim corresponding to system claim1. See previous system claim 1 rejection.

Consider claim 2, Gibson teaches an audio system of the image display (see figs 4-15) reads out image data corresponding to the value of the parameter indicated by the parameter operator and displays an image according to the image data (see col.5 lines 7-56).

Consider claim 9, there is the method claim corresponding to system claim2. See previous system claim 2 rejection.

Consider claim 15, there is the program claim corresponding to system claim2. See previous system claim 2 rejection.

Consider claims 5-7, Gibson teaches an audio system of the parameter operator indicates (see figs. 4-15), when assigning an effect to sound, a value of an effect quantity characteristic parameter to determine an acoustic characteristic obtained by a level of the effect to be assigned (see col.5 line 8-56); and

the image display displays (see figs. 4-15) image data in which the level of the effect assigned to sound is imaged corresponding to the value indicated for the effect quantity characteristic parameter (see col.6 line 1-60); and

the image display (see figs. 4-15) stores a shade corresponding to each value of the effect quantity characteristic parameter and sets the shade of the image data to a shade corresponding to the value indicated for the effect quantity characteristic parameter (see col.6 line 1-66) and the image display (see figs 4-15) and

the operator display (figs. 4-15) includes an information processing terminal including a display (see fig.2, 58 and col.4 line 43-53).

Consider claims 12-13, there are the method claims corresponding to system claims 5-6. Thus note claims 12-13 respectively, for rejection.

Consider claims 18-19, there are the program claims corresponding to system claims 5-6. Thus note claims 18-19 respectively, for rejection.

6. Claims 23, 27 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gibson (US PAT. 5,812,688) in view of Ashour (US PAT. 6,459,797).

Consider claims 27 and 31, Gibson fails to teach an audio system of the musical instrument is a piano.

However, Ashour teaches an audio system of the musical instrument is a piano (see fig.3, 210).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Gibson into Ashour to provide a audio system having more different instruments for user choice.

Consider claim 23, there is the method claim corresponding to system claim 27. See previous system claim 27 rejection.

7. Claims 3, 10, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gibson (US PAT. 5,812,688) as modified by Ashour (US PAT. 6,459,797) as applied to claim 1, above, and further in view of Fujishita (US PAT. 5,666,136).

Consider claim 3, Gibson and Ashours do not clearly teach an audio system of the parameter operator further indicates a value of a room characteristic parameter to determine an acoustic characteristic obtained by a size of a listening room; and the image display further displays image data in which the size of the room is imaged corresponding to the value indicated for the room characteristic parameter.

However, Fujishita teaches the parameter operator further indicates (see figs. 14a-14b) a value of a room characteristic parameter to determine an acoustic characteristic obtained by a size of a listening room (see figs. 14a-14b); and the image display further displays image data in which the size of the room is imaged corresponding to the value indicated for the room characteristic parameter (see col. 10 line 24-50);

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Gibson and Ashour into Fujishita to



Art Unit: 2643

provide method of displaying operation of an audio equipment, comprising the steps of detecting an operated state of a control panel of the audio equipment, and varying an image of an operated portion of an image simulating the control panel.

Consider claim 10, there is the method claim corresponding to system claim 3. See previous system claim 3 rejection.

Consider claim 16, there is the program claim corresponding to system claim 3. See previous system claim 3 rejection.

### ***Response to Arguments***

8. Applicant's arguments with respect to claims 1-3, 5-10, 12-16 and 18-31 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

Art Unit: 2643

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gibson (US PAT. 6,490,359) is cited to show other related the audio system conducting digital signal processing, a control method thereof, a recording media on which the control method is recorded.

11. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:(703) 872-9306

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lao,Lun-See whose telephone number is (703) 305-2259. The examiner can normally be reached on Monday-Friday from 8:00 to 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz, can be reached on (703) 305-4708.

Any inquiry of a general nature or relating to the status of this application or proceeding

Application/Control Number: 09/593,866

Page 10

Art Unit: 2643

should be directed to the Technology Center 2600 whose telephone number is (703) 306-0377.

Lao, Lun-See  
Patent Examiner  
US Patent and Trademark Office  
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(703305-2259)

  
DUC NGUYEN  
PRIMARY EXAMINER